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EXAMINER	
MUI, GARY	

ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	**Application No.** 10/677,493	**Applicant(s)** HONKASALO ET AL.	
	Examiner Gary Mui	**Art Unit** 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _03 October 2003_.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-66_ is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-66_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _03 October 2003_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Note

2. For claims 7, 25, 38, 40, and 41, the phrases "adapted to" and "capable of" are not positive claim limitations. Therefore the limitation following the phrase is not considered the claimed invention. It is suggested to the applicant to remove the phrases.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 5 – 14, 16, 19, 23 – 32, 34, 37 – 47, 49, 52, and 56 – 66 are rejected under 35 U.S.C. 102(b) as being anticipated by Widegren et al. (US 2002/0036983 A1).

For claims 1, 19, 37, and 52, Widegren et al. teaches initializing a communication connection and sending a communication connection request signaling for at least one service type to be used in the communication connection from a first network element to a third network element, requesting, by the third network element, an authorization for connection parameters from a fourth network element, deciding, in the fourth network element, on the connection parameters to be authorized for the communication connection and on service types which can be provided for the communication connection, and sending a decision message from the fourth network element to the third network element, wherein the decision message comprises at least one of the authorization for the connection parameters, service types usable for the communication connection, and an information portion indicating, for at least one service, whether or not the fourth network element controls a further authorization regarding at least one of the indicated service types in the communication connection (see paragraph 0097 and figure 20, for a connection between user equipments the data flow is controlled through a Policy Control Function (PCF) in the policy server; the GGSN interrogates the PCF to initialize a gate using the policy control filtering data at the GGSN).

For claims 5, 23, 39 and 56, Widegren et al. teaches connecting a mobile communication network with a user equipment comprising at least one of the first network element and a second network element connected (see paragraph 0097, user equipment).

For claims 6, 24, 40, and 57, Widegren et al. teaches the initializing step comprises initializing the communication connection and sending the communication connection request from the first network element to the third network element comprising a communication control or gateway network element of the communication network of a mobile communication network, wherein the communication control or gateway network element is configured to trigger a dynamic policy request (see paragraph 0097 and figure 20).

For claims 7, 25, 41, and 58, Widegren et al. teaches the requesting step comprises requesting the authorization from the fourth network element comprising a policy control network function, which is capable of performing the deciding step based on at least one of a user subscription profile and application service information (see paragraph 0097 and 0098).

For claims 8, 26, 42, and 59, Widegren et al. teaches the requesting step comprises requesting the fourth network element being a separate network element or included in the third network element (see paragraph 0097).

For claims 9, 27, 43, and 60, Widegren et al. teaches the requesting step comprises requesting the authorization for the connection parameters comprising a quality of service level to be provided for the communication connection (see paragraph 0097, QoS parameters).

For claims 10, 28, 44, and 61, Widegren et al. teaches the deciding step comprises deciding on the service types defined based on at least one of a service access point a service packet classifier and aggregate level parameters pertaining to the communication connection based on the initialized connection parameter request signaling (see paragraph 0101, packet classifier).

For claims 11, 29, 45, and 62, Widegren et al. teaches the sending step comprises sending the decision message or messages comprising charging information for the communication connection using at least one service type (see paragraph 0093).

For claims 12, 30, 46, and 63, Widegren et al. teaches the deciding step comprises deciding on the service types including at least one of real-time services and non real-time services (see paragraph 0097).

For claims 13, 31, 47, and 64, Widegren et al. teaches the sending step comprises sending, in the decision message, aggregate connection parameters to the third network element as a part of a set of parameters (see paragraph 0097).

For claims 14, 32, and 65, Widegren et al. teaches the requesting step comprises requesting the authorization from the fourth network element, in a case where session-based services are authorized by the fourth network element, being configured to receive information about flows included in a session and information pertaining to a commencement and termination of sessions (see paragraph 0097 and figure 20).

For claims 16, 34, 49, and 66, Widegren et al. teaches locating the first network element and a second network elements in different communication networks or in a same communication network (see paragraph 0097 and figure 20).

For claim 38, Widegren et al. receive from the third network element a further request for an authorization of connection parameters for service types of the communication connection flows of which are to be controlled by the device, to decide on the connection parameters to be authorized for a service type in question, and to generate and send a further decision message to the third network element wherein the further decision message comprises the authorization for the connection parameters of the service type in question (see paragraph 0097; the GGSN receives authorization for the service type from the PCF).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 2 – 4, 15, 17, 18, 20 – 22, 33, 35, 36, 48, 50, 51, and 53 – 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Widegren et al. in view of Mochizuki et al. (US 7,024,487 B2).

For claims 2, 20, and 53, Widegren et al. teaches all of the claimed subject matter with the exception of processing, in the third network element, the decision message for enforcing a decision of the fourth network element in the communication connection and determining, based on the information portion, types of communication connection flows of which can be admitted by the third network element without consulting the fourth network element, and types of communication connection flows which are to be controlled by the fourth network element. Mochizuki et al. form the same field of endeavor teaches each of the entries in the network control information database includes a user name (user ID), a service term, a service area, a service ID assigned to each contracted communication service, first path definition, second path definition, QOS, the necessity of a backup route, and a source address and a destination address to be added to transmission packets. The first path definition includes a service provider identifier, a bandwidth, and a path ID, and the second path definition includes a service provider identifier, a bandwidth, and a path ID. When the communication service requested by the user is granted by a combination of two communication paths, the two communication paths are defined by the first path definition and the second path definition. When the requested communication service is satisfied with a single communication path, no data is entered in the second path definition (see column 7 lines 30 – 48; data can flow through a first path or a second path where one element controls one flow and the other controls the other).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to separate the flows as taught by Mochizuki et al. into Widegren et al. policy influenced application. The motivation for doing this is by is reduce this is increase the overall speed of the system when it does not have to communicate with another element.

For claims 17, 35, and 50, Widegren et al. teaches all of the claimed subject matter with the exception of a step of setting a default value for the connection parameters for services in the communication connection which are not controlled by the fourth network element. Mochizuki et al. form the same field of endeavor teaches each of the entries in the network control information database includes a user name (user ID), a service term, a service area, a service ID assigned to each contracted communication service, first path definition, second path definition, QOS, the necessity of a backup route, and a source address and a destination address to be added to transmission packets. The first path definition includes a service provider identifier, a bandwidth, and a path ID, and the second path definition includes a service provider identifier, a bandwidth, and a path ID. When the communication service requested by the user is granted by a combination of two communication paths, the two communication paths are defined by the first path definition and the second path definition. When the requested communication service is satisfied with a single communication path, no data is entered in the second path definition (see column 7 lines 30 – 48; data can flow through a first path or a second path where one element controls one flow and the other controls the other; the two paths are defined by there path definitions).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to separate the flows as taught by Mochizuki et al. into Widegren et al. policy influenced application. The motivation for doing this is by is reduce this is increase the overall speed of the system when it does not have to communicate with another element.

For claims 3, 21, and 54, Widegren teaches all of the claimed subject matter with the exception of requesting, when the third network element receives a flow of the types of communication connections which are indicated to be controlled by the fourth network element, connection parameters for the types of communication connection flows from the fourth network element, deciding, in the fourth network element, on the connection parameters to be authorized for the types of communication flows in question based upon the requesting step, and sending a further decision message from the fourth network element to the third network element wherein the further decision message comprises the authorization for the connection parameters of the types of communication connection flows in question. Mochizuki et al. form the same field of endeavor teaches each of the entries in the network control information database includes a user name (user ID), a service term, a service area, a service ID assigned to each contracted communication service, first path definition, second path definition, QOS, the necessity of a backup route, and a source address and a destination address to be added to transmission packets. The first path definition includes a service provider identifier, a bandwidth, and a path ID, and the second path definition includes a service provider identifier, a bandwidth, and a path ID. When the communication service requested by the user is granted by a combination of two communication paths, the two communication paths are defined by the first path definition and the second path definition. When the requested communication service is satisfied with a single communication path, no data is entered in the second path definition (see column 7 lines 30 – 48; data can flow through a first path or a second path where one element controls one flow and the other controls the other; the two paths are defined by there path definitions).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to separate the flows as taught by Mochizuki et al. into Widegren et al. policy influenced application. The motivation for doing this is by is reduce this is increase the overall speed of the system when it does not have to communicate with another element.

For claims 4, 22, and 55, Widegren et al. teaches admitting, when the third network element receives a flow of the types of communication connections which are indicated to be controlled by the third network element, the flow by the third network element and using provisioned connection parameters for the types of communication connection flows controlled by the third network element (see paragraph 0097, the gate is set to filter the data flow).

For claims 15, 33, and 48, Widegren et al. teaches all of the claimed subject matter with the exception of the requesting step comprises using, when the third network element receives the types of communication connection flows which are indicated to be controlled by the fourth network element, at least one of an authorization token and a flow identification as a binding information. Mochizuki et al. form the same field of endeavor teaches each of the entries in the network control information database includes a user name (user ID), a service term, a service area, a service ID assigned to each contracted communication service, first path definition, second path definition, QOS, the necessity of a backup route, and a source address and a destination address to be added to transmission packets. The first path definition includes a service provider identifier, a bandwidth, and a path ID, and the second path definition includes a service provider identifier, a bandwidth, and a path ID. When the communication service requested by the user is granted by a combination of two communication paths, the two communication paths are defined by the first path definition and the second path definition. When the requested communication service is satisfied with a single communication path, no data is entered in the second path definition (see column 7 lines 30 – 48; data can flow through a first path or a second path where one element controls one flow and the other controls the other; the two paths are defined by there path definitions). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to separate the flows as taught by Mochizuki et al. into Widegren et al.

policy influenced application. The motivation for doing this is by is reduce this is increase the overall speed of the system when it does not have to communicate with another element.

For claims 18, 36, and 51, Widegren et al. teaches the setting set comprises setting a default value for connection parameters per service (see paragraph 0097, the initialization parameters for the gate).

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Widegren et al. (US 6,621,793 B2), Brenner, II et al. (US 6,963,555 B1), Chuah (US 6,970,423 B2), Rezaiifar et al. (US 2003/0055964 A1), Auterinen (US 2004/0131023 A1), Engmann et al. (US 2004/0190492 A1), and Torabi (US 2005/0276229 A1) are cited to show a method, system and network element for authorizing a data transmission.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary Mui whose telephone number is (571) 270-1420. The examiner can normally be reached on Mon. - Thurs. 9 - 3 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on (571) 272-3139. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

GM 06. 27.2007

RICKY Q. NGO
SUPERVISORY PATENT EXAMINER